THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3086 OF 2006

DATED:06.04.2006

Between:

V. Ramanamma ..Petitioner

And

The Mandal Revenue Officer, Makkuva Mandal,
Vizianagaram District. and others .. Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3086 OF 2006

ORDER:

The petitioner purchased an extent of Acs.8.08 cents of land in survey No.278 situated at Kannampeta Village in Vizianagaram District from one N. Thamminaidu. So as to sell away the land, she

allegedly approached the second respondent for information regarding the stamp duty payable for the land. The second respondent allegedly informed the petitioner that the land in survey No.278 cannot be registered in view of the instructions issued by the Mandal Revenue Officer, Makkuva Mandal. Aggrieved by the same, the petitioner filed the present Writ Petition.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General). There cannot be any denial that though the registering officer appointed under the Registration Act, 1908, can revise the registration, in certain circumstances, he is under an obligation to record reasons and furnish the reasons to the persons presenting the document when asked for. Without there being any reason, the registering officer cannot refuse to accept or register the document. On the ground that the Mandal Revenue Officer instructed, the registering officer cannot refuse to accept the document. This Court in number of cases while holding so has directed the registering officers to accept the document and register the same in accordance with law and if for any reason the same cannot be registered, the registering officers were directed to furnish the reasons to the person seeking registration.

This Writ Petition is, therefore, disposed of directing the second respondent to accept the document as and when the same is presented and register the same in accordance with law. However, it shall be open to the Sub-Registrar to refuse the registration on recording reasons and on furnishing the same to the petitioner. As the petitioner admittedly did not submit any document for registration, it is now open to her to do so, if she wants to sell away her property. No costs.

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(V.V.S.RAO, J)

06.04.2006

GJ